

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12 v.
13 ERNEST M. ROBERTS,
14 Defendant.

Case No. CR06-421-JLR

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on February
17 21, 2013. The defendant appeared pursuant to a summons issued in this case. The United States
18 was represented by Katheryn Warma, and defendant was represented by Peter Avenia. Also
19 present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was sentenced on October 9, 2007, by the Honorable James L. Robart for
22 Conspiracy to Defraud the United States with Respect to Claims, False Claims to the IRS,
23 Fraudulent Use of Another Person's Identification, and Conspiracy to Commit Bank Fraud. He
received 21 months of detention and 5 years of supervised release.

On October 24, 2011, a violation report and request for summons was submitted to the

1 Court alleging that Mr. Roberts had violated his conditions of supervision by failing to make
2 monthly payments towards restitution and leaving the Western District of Washington without
3 permission. On December 2, 2011, at the suggestion of all parties, the Court took no action for
4 the aforementioned violations.

5 PRESENTLY ALLEGED VIOLATIONS

6 In a petition dated January 22, 2013, U.S. Probation Officer Jerrod Akins alleged that
7 defendant violated the following conditions of supervised release:

- 8 1. Failing to make regular monthly restitution payments, in violation of the special
9 condition that any unpaid amount of restitution is to be paid during the term of
10 supervision in monthly installments of not less than 10% of his gross monthly
11 household income.
- 12 2. Failing to submit a truthful and complete written monthly report as instructed, in
13 violation of standard condition 2.

14 FINDINGS FOLLOWING EVIDENTIARY HEARING

15 Defendant admitted the above violations, waived any hearing as to whether they
16 occurred, and was informed the matter would be set for a disposition hearing on March 12, 2013,
17 at 10:30 a.m. before District Judge James L. Robart.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 21st day of February, 2013.

22 
23 DEAN BRETT
United States Magistrate Judge